

REFERENCE DOCUMENT

The purpose of this document is to provide an explanation of the various changes that have occurred to the attached regulations.

How to read these regulatory changes:

This rulemaking is intended to permanently adopt into regulation standards applicable to portable tanks.

The text of the affected regulations which has not been changed by this rulemaking is printed in plain text: "Plain text."

Text deleted from the original text of the permit by rule regulations by this rulemaking is indicated by strikeout text: "~~Strikeout~~."

Text added by this rulemaking is indicated by underline text: "Underline."

Amend title 22, division 4.5, chapter 10, article 2, section 66260.10 of the California Code of Regulations to read as follows:

§ 66260.10. Definitions.

Additional definitions applicable to management of universal wastes are found in section 66273.9. When used in this division, the following terms have the meanings given below:

"Aboveground tank"...

"Portable tank " means a unit with a minimum capacity of 110 gallons, that is designed to be stationary when in use but otherwise portable when empty at the time the unit is delivered to the location where it will be used, and is not bolted down, other than by a temporary attachment for seismic safety.

"Portable tank system" means a hazardous waste transfer, storage or treatment portable tank and its associated ancillary equipment."

"Postclosure plan" ...

...

NOTE: Authority cited: Sections 25141, 25150, 25158.1, 25158.4, 25159, 25159.5, 25179.6, 25187.7, 25200.10, 25204, 25218.3(d), 25316 and 58012, Health and Safety Code. Reference: Sections 25110.02, 25110.1, 25110.5, 25111, 25112, 25112.5, 25113, 25114, 25115, 25117, 25117.1, 25117.3, 25117.8, 25117.9, 25117.11, 25118, 25119, 25120, 25121, 25121.5, 25122.7, 25123, 25123.3, 25123.5, 25123.6, 25141, 25150, 25158.2, 25159, 25159.5, 25187.7, 25200.10, 25201.6, 25204, 25218.1(f), 25218.3, 25229, 25316, 25361, 25501, 25529 and 58012, Health and Safety Code; and 40 CFR Sections 260.10, 261.1, 264.552, 264.1031, 268.2, 270.2 and 273.6.

Amend title 22, division 4.5, chapter 12, article 3, section 66260.34 of the California Code of Regulations to read as follows:

§ 66262.34. Accumulation Time.

(a) Except as provided in subsections (c) and (d) of this section and section 66262.35, a generator may accumulate hazardous waste on-site for 90 days or less without a permit or grant of interim status, provided that:

(1)(A) the waste is placed in containers and the generator complies with the applicable requirements of articles 9, 27, 28 and 28.5 of chapter 15 of this division, or the waste is placed in tanks and the generator complies with articles 10, 27, 28, and 28.5 of chapter 15 of this division, except sections 66265.197(c) and 66265.200 or the waste is placed in a portable tank or portable tank system and the generator complies with articles 9.1, 27, 28 and 28.5 of chapter 15 of this division. In addition, such a generator is exempt from all the requirements in articles 7 and 8 of chapter 15 of this division, except for sections 66265.111 and 66265.114; or

...

NOTE: Authority cited: Sections 25150, 25159, 25159.5, 25179.6 and 58012, Health and Safety Code. Reference: Sections 25123.3, 25150, 25159, 25159.5, and 58012, Health and Safety Code; and 40 CFR Section 262.34.

Add title 22, division 4.5, chapter 14, article 9.1 of the California Code of Regulations to read as follows:

Article 9.1. Portable Tanks and Portable Tank Systems

NOTE: Authority Cited: Sections 25150 and 58012, Health and Safety Code. Reference: Section 25150, Health and Safety Code.

Add title 22, division 4.5, chapter 14, article 9.1, section 66264.180 of the California Code of Regulations to read as follows:

§ 66264.180. Applicability.

The requirements of this article apply to owners and operators of facilities or generators that use portable tanks or portable tank systems for transferring, storing or treating hazardous waste. This article is applicable to both RCRA and non-RCRA hazardous wastes.

NOTE: Authority Cited: Sections 25150 and 58012, Health and Safety Code. Reference: Section 25150, Health and Safety Code.

Add title 22, division 4.5, chapter 14, article 9.1, section 66264.181 of the California Code of Regulations to read as follows:

§ 66264.181. Standards Applicable to a Portable Tank or Portable Tank System.

(a) The owner or operator of a facility or a generator that uses portable tank or portable tank system shall comply with the following design and use standards:

(1) a portable tank or portable tank system shall meet integrity requirements set forth in section 66264.191(a),

(2) a portable tank or portable tank system shall be designed and installed in a manner that will withstand the maximum probable earthquake for its location without release of hazardous waste.

(3) a portable tank or portable tank system shall be in good structural condition, fit for use, and free of leaks or damage and protected from corrosion as required in section 66264.192(b)(3)(B).

(4) a portable tank or portable tank system that does not have secondary containment meeting the requirements of section 66264.193, shall be capable of collecting leaks and spills, providing appropriate controls to detect leaks and prevent spills, including, but not limited to, an overfill alarm, flow shutoff or restrictor device.

(5) a portable tank shall be inspected as required in section 66264.195.

(6) a portable tank or portable tank system shall be compatible with its contained hazardous wastes. This requirement shall apply to any portion of a portable tank or portable tank system including tank lining, tank outer shell and ancillary equipment, including but not limited to piping, flanges, valves, fittings, fillings, and pumps in contact with the hazardous waste.

(b) The owner of a portable tank or portable tank system shall maintain documents that demonstrate compliance with subsections (a)(1) and (a)(3) of this section and shall be certified by an independent, qualified, professional engineer, registered in California, in accordance with section 66270.11(d). The documents shall be maintained at the facility where the portable tank or portable tank system is operating. The owner or operator shall make these documents available at the facility upon demand by any representative of the Department, the U.S. Environmental Protection Agency, or a local governmental agency.

(c) If a portable tank or portable tank system is used for more than 90 days for on-site storage or treatment, or contains all offsite hazardous waste, secondary containment shall be provided as required by section 66264.193(c), (d) and (e).

(d) The owner or operator of a portable tank or portable tank system shall maintain compliance with the following requirements:

(1) section 66262.34, Accumulation Time

(2) section 66264.196, Response to Leaks or Spills and Disposition of Leaking or

Unfit-for-Use Tanks.

(3) section 66264.114, Disposal or Decontamination of Equipment, Structures and Soils.

(4) sections 66264.198, Special Requirements for Ignitable or Reactive Wastes.

(5) section 66264.199, Special Requirements for Incompatible Wastes.

NOTE: Authority Cited: Sections 25150 and 58012, Health and Safety Code. Reference: Section 25150, Health and Safety Code.

Add title 22, division 4.5, chapter 15, article 9.1 of the California Code of Regulations to read as follows:

Article 9.1. Portable Tanks and portable Tank Systems

NOTE: Authority Cited: Sections 25150 and 58012, Health and Safety Code. Reference: Section 25150, Health and Safety Code.

Add title 22, division 4.5, chapter 15, article 9.1, section 66265.180 of the California Code of Regulations to read as follows:

§ 66265.180. Applicability.

The requirements of this article apply to owners and operators of facilities or generators that use portable tanks or portable tank systems for transferring, storing or treating hazardous waste. This article is applicable to both RCRA and non-RCRA hazardous wastes.

NOTE: Authority Cited: Sections 25150 and 58012, Health and Safety Code. Reference: Section 25150, Health and Safety Code.

Add title 22, division 4.5, chapter 15, article 9.1, section 66265.181 of the California Code of Regulations to read as follows:

§ 66265.181. Standards Applicable to a Portable Tank or Portable Tank System.

(a) The owner or operator of a facility or a generator that uses portable tank or portable tank system shall comply with the following design and use standards:

(1) a portable tank or portable tank system shall meet integrity requirements set forth in section 66264.191(a),

(2) a portable tank or portable tank system shall be designed and installed in a manner that will withstand the maximum probable earthquake for its location without release of hazardous waste.

(3) a portable tank or portable tank system shall be in good structural condition, fit for use, and free of leaks or damage and protected from corrosion as required in section 66264.192(b)(3)(B).

(4) a portable tank or portable tank system that does not have secondary containment meeting the requirements of section 66264.193, shall be capable of collecting leaks and spills, providing appropriate controls to detect leaks and prevent spills, including, but not limited to, an overfill alarm, flow shutoff or restrictor device.

(5) a portable tank shall be inspected as required in section 66264.195.

(6) a portable tank or portable tank system shall be compatible with its contained hazardous wastes. This requirement shall apply to any portion of a portable tank or portable tank system including tank lining, tank outer shell and ancillary equipment, including but not limited to piping, flanges, valves, fittings, fillings, and pumps in contact with the hazardous waste.

(b) The owner of a portable tank or portable tank system shall maintain documents that demonstrate compliance with subsections (a)(1) and (a)(3) of this section and shall be certified by an independent, qualified, professional engineer, registered in California, in accordance with section 66270.11(d). The documents shall be maintained at the facility where the portable tank or portable tank system is operating. The owner or operator shall make these documents available at the facility upon demand by any representative of the Department, the U.S. Environmental Protection Agency, or a local governmental agency.

(c) If a portable tank or portable tank system is used for more than 90 days for on-site storage or treatment, or contains all offsite hazardous waste, secondary containment shall be provided as required by section 66264.193(c), (d) and (e).

(d) The owner or operator of a portable tank or portable tank system shall maintain compliance with the following requirements:

(1) section 66262.34, Accumulation Time

(2) section 66264.196, Response to Leaks or Spills and Disposition of Leaking or

Unfit-for-Use Tanks.

(3) section 66264.114, Disposal or Decontamination of Equipment, Structures and Soils.

(4) sections 66264.198, Special Requirements for Ignitable or Reactive Wastes.

(5) section 66264.199, Special Requirements for Incompatible Wastes.

NOTE: Authority Cited: Sections 25150 and 58012, Health and Safety Code. Reference: Section 25150, Health and Safety Code.

Add Title 22, division 4.5, chapter 20, article 2, section 66270.15.1 of the California Code of Regulations to read as follows:

§ 66270.15.1. Specific Part B Information Requirements for Portable Tanks or Portable Tank Systems.

Owners and operators of facilities that use a portable tank or a portable tank system to transfer, store or treat hazardous waste shall comply with the requirements of section 66270.23 and article 9.1 of chapter 14.

NOTE: Authority Cited: Sections 25150 and 58012, Health and Safety Code. Reference: Section 25150, Health and Safety Code.

Amend title 22, division 4.5, chapter 20, Article 2, section 66270.23 of the California Code of Regulations to read as follows:

§ 66270.23. Specific Part B Information Requirements for Miscellaneous Units.

(e) . . .

(f) For purposes of article 9.1 of chapters 14 and 15, secondary containment is required for all portable tanks or portable tank systems with free liquids pursuant to section 66264.193.

NOTE: Authority Cited: Sections 25150 and 58012, Health and Safety Code. Reference: Section 25150, Health and Safety Code.

Amend title 22, division 4.5, chapter 20, article 6, section 66270.67 of the California Code of Regulations to read as follows:

§ 66270.67. Transportable Treatment Unit Standardized Permit.

...

(I) The owner or operator of the TTU shall maintain compliance for TTU operation with the following requirements as applicable:

- (1) H&SC, sections 25200.2, annual and facility fees.
- (2) H&SC, section 25205.7, application processing fee requirements.
- (3) section 66264.11, Identification Number.
- (4) section 66264.14, Security Requirements.
- (5) section 66264.15, General Inspection Requirements.
- (6) section 66264.17, General Requirements for Ignitable, Reactive, or Incompatible Wastes.
- (7) section 66264.114, Disposal or Decontamination of Equipment, Structures and Soils.
- (8) sections 66264.117, 66264.118, 66264.119, and 66264.120, post closure requirements.
- (9) section 66264.143, Financial Assurance for Closure.
- (10) chapter 14 of this division:
 - (A) article 5. Manifest System, Recordkeeping and Reporting (except for sections 66264.73(b)(2), 66264.73(b)(6), 66264.73(b)(7), 66264.73(b)(15) and 66264.75;
 - (B) article 9. Use and Management of Containers; ~~and~~
 - (C) article 9.1 Portable Tanks and Portable Tank Systems; and
 - (~~C~~ D) article 10. Tank Systems; ~~;~~
- (11) chapter 15, article 17; Chemical, Physical, and Biological Treatment
- (12) section 66270.42, Permit Modification at the Request of the Permittee.

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NOTE: Authority cited: Sections 25150 and 58012, Health and Safety Code. Reference: Sections 25150 and 25200.2, Health and Safety Code.

Amend title 22, division 4.5, chapter 45, section 67450.3 of the California Code of Regulations to read as follows:

§ 67450.3. Requirements Applicable to Fixed and Transportable Treatment Units Deemed to Have a Permit by Rule.

(a) The owner or operator of a transportable treatment unit (TTU) deemed to hold a permit by rule pursuant to section 67450.2(a) shall do all of the following as applicable:

...

(11) Maintain compliance with sections 66264.175, 66265.148, 67450.7, 67450.13 and with the following regulations in chapter 15 of this division, including those referring to permit applications:

- (A) Article 2. General Facility Standards (except for section 66265.25);
- (B) Article 3. Preparedness and Prevention;
- (C) Article 4. Contingency Plan and Emergency Procedures;
- (D) Article 5. Manifest System, Recordkeeping and Reporting (except for sections 66265.73(b)(2), 66265.73(b)(6), 66265.73(b)(7), 66265.73(b)(15) and 66265.75);
- (E) Article 9. Use and Management of Containers;
- (F) Article 9.1 Portable Tanks and Portable Tank Systems;
- (~~F~~ G) Article 10. Tank Systems (except that the contingent plan for post-closure required by section 66265.197(c)(2) shall be maintained with the closure plan required by subsection (a)(13)(B) of this section);
- (~~G~~ H) Article 16. Thermal Treatment;
- (~~H~~ I) Article 17. Chemical, Physical, and Biological Treatment.

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NOTE: Authority cited: Sections 25150, 58004 and 58012, Health and Safety Code.
Reference: Sections 25112.5, 25150, 25185.6, 25186, 25200, 25200.2, 25202.9, 25205.1 and 25245.4, Health and Safety Code.